

File No. 571

(Reprint of File No. 283)

Substitute House Bill No. 5530
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 17, 1998

AN ACT CONCERNING APPLICATION OF PESTICIDES TO
CERTAIN TOBACCO CROPLAND.

Be it enacted by the Senate and House of
Representatives in General Assembly convened:

1 Subsection (e) of section 22a-54 of the
2 general statutes, as amended by section 6 of
3 public act 97-289, is repealed and the following
4 is substituted in lieu thereof:

5 (e) The following provisions shall govern the
6 certification of aircraft applicators:

7 (1) No person shall apply, offer to apply or
8 cause to be applied any pesticide or fertilizer by
9 aircraft without a certificate or permit issued in
10 accordance with the provisions of this subsection.

11 (2) Upon application of any person qualified
12 to fly an aircraft, the commissioner may issue a
13 certificate for the application of pesticides or
14 fertilizers by aircraft. Application for said
15 certificate shall be on forms provided by the
16 commissioner and shall be accompanied by a fee
17 established by the commissioner by regulations
18 adopted in accordance with the provisions of
19 chapter 54 provided the fee shall be not less than
20 twenty-five dollars.

21 (3) The commissioner may issue a permit to the
22 owner of any crop or land, or to a representative
23 designated by such owner, for application of
24 pesticides or fertilizers by a certified aircraft
25 applicator. Application for said permit shall be
26 on forms provided by the commissioner and shall be
27 accompanied by a fee established by the
28 commissioner by regulations adopted in accordance
29 with the provisions of chapter 54 provided the fee
30 shall be not less than ten dollars. The
31 commissioner may waive the application form and
32 fee requirements imposed pursuant to regulations
33 adopted in accordance with the provisions of
34 chapter 54 in circumstances where application of
35 broad spectrum chemical pesticides from the air is
36 necessary to control specific vectors of human
37 disease which pose an imminent threat to public
38 health. The commissioner may require inspection of
39 the crop or area and its immediate environs and
40 approval as follows:

41 (A) For agricultural crops, nurseries and
42 orchards, by the director of the Connecticut
43 Agricultural Experiment Station;

44 (B) For rodent control, woodland spraying and
45 mosquito control spraying, by the commissioner;

46 (C) For control of vectors of human disease,
47 by the Commissioner of Public Health.

48 (4) The commissioner shall designate the kind
49 and amount of pesticides permitted for use by
50 aircraft. Permits for aircraft spraying in
51 congested areas shall be issued only with the
52 approval of the director of health of the
53 municipality in which the operation is to be
54 conducted except in circumstances where the
55 commissioner determines that the application of
56 broad spectrum chemical pesticides from the air is
57 necessary to control specific vectors of human
58 disease which pose an imminent threat to public
59 health.

60 (5) The commissioner, with the advice of the
61 Commissioner of Transportation, may adopt such
62 regulations as he deems necessary for the
63 protection of public health, aquatic and animal
64 life and public and private property, governing:

65 (A) The type of aircraft to be used;

66 (B) The hours during which aircraft may be so
67 used;

68 (C) The wind and weather conditions under
69 which aircraft spraying or dusting may be
70 performed;

71 (D) The minimum area on which aircraft
72 spraying or dusting may be done; and

73 (E) The amount of public liability and
74 property damage insurance to be carried by the
75 aircraft applicator.

76 (6) NO PERSON MAY APPLY PESTICIDES OR
77 FUNGICIDES BY AIRCRAFT OR BY MISTING-TYPE DEVICES
78 TO SHADE TOBACCO CROPS WITHIN THREE HUNDRED FEET
79 OF AN INHABITED RESIDENTIAL BUILDING FOR WHICH A
80 CERTIFICATE OF OCCUPANCY WAS ISSUED PRIOR TO
81 JANUARY 1, 1997, WITHOUT THE WRITTEN PERMISSION OF
82 THE OWNER OF SUCH BUILDING, EXCEPT SPRAY
83 APPLICATIONS MAY BE ADMINISTERED WITHIN THE
84 CONFINES OF THE NETTING. THIS SUBDIVISION SHALL
85 NOT APPLY TO AN APPLICATION OF PESTICIDES OR
86 FUNGICIDES TO LAND WHICH WAS POLED FOR THE
87 CULTIVATION OF SHADE TOBACCO BETWEEN JANUARY 1,
88 1994, AND JANUARY 1, 1997.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5530

STATE IMPACT Potential Minimal Cost, Within
 Budgeted Resources, see
 explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Department of Environmental
 Protection

EXPLANATION OF ESTIMATES:

STATE IMPACT: Application of pesticides from an aircraft is currently a permitted activity through the Department of Environmental Protection (DEP). Prohibiting the aerial application of pesticides in certain instances will impact the DEP when there is a need to initiate enforcement activities. It is anticipated that any workload increase due to enforcement will be minimal and will be handled within existing agency resources.

House "A" makes various changes which do not affect the fiscal impact of the bill.

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OLR AMENDED BILL ANALYSIS

SHB 5530 (as amended by House "A")*

AN ACT CONCERNING APPLICATION OF PESTICIDES TO CERTAIN TOBACCO CROPLAND

SUMMARY: This bill prohibits the application of general

and restricted-use pesticides by aircraft or misting devices on shade tobacco crops if (1) they are within 300 feet of an inhabited residential building issued a certificate of occupancy before January 1, 1997, and (2) the cropland was not poled for shade tobacco between January 1, 1994 and January 1, 1997. It does not prohibit applications by misting devices administered within areas covered by shade netting.

Pesticides are any substance intended to prevent, destroy, repel, or mitigate any pest (including fungus) or to defoliate, dehydrate, or regulate and plant.

By law, no one may apply pesticides from an aircraft without a permit from the Department of Environmental Protection, which may require inspection of the crops and immediate environs.

*House Amendment "A" reduces the distance within which pesticide application is prohibited to within 300 feet of an inhabited residential building rather than 300 feet of property containing such a building. It also makes minor changes.

EFFECTIVE DATE: October 1, 1998

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 22 Nay 1